

## **REMARKS**

Claims 1-39 are pending. No amendment has been made.

### **Claim Rejections -- 35 U.S.C. 103**

Applicants respectfully traverse the obviousness rejections of claims 1-13, 16, 17, 38, and 39 over JP 6-279582 in view of McGrath et al (US 2002/0091225).

The Office Action acknowledges that JP 6-279582 does not disclose that the component of formula IV can be sulfonated (page 2, the second paragraph from the bottom). The Office Action then states that McGrath (paragraph [0017]) discloses that the component of formula IV can be sulfonated and that it would have been obvious to one of ordinary skill in the art to replace the component of formula IV of JP 6-279582 with the sulfonated polymer component of McGrath. Applicants respectfully disagree.

Applicants submit that a *prima facie* case of obviousness has not been established because there is no motivation to combine JP 6-279582 and McGrath; neither reference teach or suggest that modifying the polymer of JP 6-279582 by employing the sulfonated polymer component of McGrath is desirable.

Without acquiescence with the obviousness rejection, applicants submit herewith a Declaration under 37 C.F.R. 1.132 by Yoshimitsu Sakaguchi to demonstrate unexpected superior results achieved in the claimed polymers over the polymers prepared in accordance with the disclosures in paragraphs [0052]-[0055] of McGrath.

In the experiments presented in the Rule 132 Declaration, films using the polymers described in Examples 1 and 3 of the instant application and films disclosed in McGrath (paragraphs [0052]-[0055]) were prepared. The films were subjected to the following treatments:

- (1) immersion in hot water of 110°C for six days;
- (2) autoclaving at 120°C for four hours and at 130°C for four hours; and
- (3) immersion in a reaction liquid of 66°C containing 3% H<sub>2</sub>O<sub>2</sub> and 4 ppm of Fe<sup>2+</sup> for one hour, two hours, and three hours.

The variation of the films in form after each treatment was visually observed. In addition, the stability against heat, anti-swellability, and chemical stability of the films were measured by calculating the survival rates (%) of the films, *i.e.*, the percentages of the films that maintained after the treatment, with the expression below:

$$(\text{weight after immersion}/\text{weight before immersion}) \times 100.$$

The experiments presented in the Rule 132 Declaration demonstrated that the polymers of the claimed invention have superior characteristics in terms of stability against heat, anti-swellability and chemical stability, compared with the polymers of McGrath. For example, after being autoclaved at 130°C for four hours, Films (A) and (B) prepared with the claimed polymers maintained their form, while Films (a)-(d) of McGrath fused. Also, Films (A) and (B) showed overall higher percentages of films that maintained than Films (a)-(d). Similarly, Film (A) of the present invention maintained form better and showed higher survival rates than Film (b) of McGrath after being immersed in a reaction liquid of 66°C containing 3% H<sub>2</sub>O<sub>2</sub> and 4 ppm of Fe<sup>2+</sup> for one hour, two hour, and three hours. The survival rates of Film (A) compared with those of Film (b) were 100% v. 97% after one hour, 95% v. 21% after two hours, and 78% v. 13% after three hours.

In summary, the attached Declaration demonstrates that the claimed polymers had unexpectedly superior characteristics compared with the polymers disclosed in McGrath. As explained before, *prima facie* obviousness has not been established by the Office Action. Even if, *arguendo*, that *prima facie* obviousness were assumed to be shown, based on the unexpected results shown in the Rule 132 Declaration, the present invention would not have been obvious over JP 6-279582 in view of McGrath.

Withdrawal of the obviousness rejections of claims 1-13, 16, 17, 38, and 39 is respectfully requested.

### **CONCLUSION**

The Examiner is encouraged to contact the undersigned regarding any questions concerning this amendment. In the event that the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. The Commissioner is authorized to debit Deposit Account No. 11-0600 the petition fee and any other fees that may be required in relation to this paper.

Respectfully submitted,  
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Enclosure: Declaration under 37 C.F.R. 1.132